

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

V.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER GRANTING
EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL EXHIBITS TO ITS
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUR-REPLY IN
RESPONSE TO APPLE'S REPLY IN
SUPPORT OF ITS MOTION TO
STRIKE WRITTEN AND ORAL
TESTIMONY OF DR. MICHAEL I.
CRAGG**

Judge: Hon. Yvonne Gonzalez Rogers

This matter comes before the Court on Epic Games, Inc. (“Epic”)’s Administrative Motion to File Under Seal Exhibits to Its Administrative Motion for Leave to File Sur-Reply in Response to Apple Inc.’s Reply in Support of it Its Motion to Strike Written and Oral Testimony of Dr. Michael I. Cragg because certain materials used or discussed therein contain information designated by Non-Party Spotify USA Inc. as “SPOTIFY HIGHLY CONFIDENTIAL – OUTSIDE COUNSEL EYES ONLY” under the protective order in the above-captioned action. (*Epic Games, Inc. v. Apple Inc.*, No. 20- cv-05640-YGR-TSH, ECF No. 334.)

Upon consideration of the administrative motion to seal, the papers submitted in support and in response thereto, and for good cause appearing, the motion is **GRANTED**. Accordingly, the public shall only have access to the version of the Epic's Administrative Motion for Leave to File Sur-Reply in Response to Apple Inc.'s Reply in Support of its Motion to Strike

[PROPOSED] ORDER GRANTING EPIC GAMES, INC.'S ADMINISTRATIVE MOTION TO FILE UNDER SEAL EXHIBITS TO ITS ADMINISTRATIVE MOTION FOR LEAVE TO FILE SUR-REPLY IN RESPONSE TO APPLE'S REPLY IN SUPPORT OF ITS MOTION TO STRIKE WRITTEN AND ORAL TESTIMONY OF DR. MICHAEL I. CRAGG

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1 Written and Oral Testimony of Dr. Michael I. Cragg in which the following exhibits have been
 2 redacted:

3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Portion of Documents Sought to be Sealed	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Evidence Offered in Support of Sealing	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Ruling
Epic's Sur-Reply Brief, Highlighted portions of page 1, lines 9-10	Spotify Declaration (ECF No. 692-1)	
Epic's Sur-Reply Brief, Highlighted portions of page 1, lines 21-25	Spotify Declaration (ECF No. 638-1); Spotify Declaration (ECF No. 649-1); Spotify Declaration (ECF No. 692-1)	
Epic's Sur-Reply Brief, Highlighted portions of page 2, line 1	Spotify Declaration (ECF No. 638-1); Spotify Declaration (ECF No. 649-1)	
Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 4, ¶ 1.4	Spotify Declaration (ECF No. 692-1)	
Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 5, ¶ 1.4, 1.5, 1.6, 1.7, 1.7(a), 1.7(b), 1.7(c)	Spotify Declaration (ECF No. 692-1)	
Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 7, ¶ 2.1, 2.2, 2.3, 2.3(a)	Spotify Declaration (ECF No. 692-1)	
Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 8, ¶ 2.3(b), 2.3(c), 2.3(d), 2.4, Figure 1	Spotify Declaration (ECF No. 692-1)	

1	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 9, ¶¶ 2.5, 2.6, 2.7, 2.8, Table 1	Spotify Declaration (ECF No. 692-1)	
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4	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 10, ¶¶ 2.8, 2.9, 2.10, 2.11, Table 2	Spotify Declaration (ECF No. 692-1)	
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8	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 11, ¶¶ 2.11, 2.12, 2.13, 2.13(a), 2.13(b), 2.14, 2.15, Table 3	Spotify Declaration (ECF No. 692-1)	
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10			
11	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 12, ¶¶ 2.15, 2.16	Spotify Declaration (ECF No. 692-1)	
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13			
14	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 15, Figure 2	Spotify Declaration (ECF No. 692-1)	
15			
16			
17	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 16, Figure 3	Spotify Declaration (ECF No. 692-1)	
18			
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20	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 18, Table 4	Spotify Declaration (ECF No. 692-1)	
21			
22			
23	Exhibit A to Declaration of Yonatan Even in Support of Epic's Sur-Reply Brief, Highlighted portions of: Page 19, ¶¶ 3.14(a), 3.14(b), 3.14(c), 3.15, 3.16	Spotify Declaration (ECF No. 692-1)	
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1	Exhibit A to Declaration of	Spotify Declaration (ECF
2	Yonatan Even in Support of Epic's	No. 629-1)
3	Sur-Reply Brief,	
4	Highlighted portions of:	
5	Page 21, Table 5	

4 **IT IS SO ORDERED.**

5 DATED:

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7 HON. YVONNE GONZALEZ ROGERS
8 UNITED STATES DISTRICT JUDGE

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